

OFFICE OF SPECIAL MASTERS

No. 98-417V

Filed: May 5, 2005

ROBIN RENEE PRESLEY, *
*
Petitioner, *
*
v. *
*
SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *
*
Respondent. *

ORDER¹

The parties have filed their written submissions addressing the undersigned's March 8, 2005 Order. In previous status conferences, the undersigned has offered petitioner the opportunity to address in-person the issues surrounding the expert's billings. Petitioner's counsel has responded negatively to those proposals. As petitioner and the expert, Dr. Classen, are aware, Dr. Classen's explanations and justifications for his hourly rate and extensive hours spent on cases were resoundly rejected in Baker v. Secretary of HHS, No. 99-653V, 2005 WL 589431 (Fed. Cl. Spec. Mstr. Feb. 24, 2005), appeal docketed, No. 99-653V (Fed. Cl. Mar. 24, 2005), and, quite frankly, are being viewed with much skepticism by the undersigned. Thus, in an effort to get the best record possible and to be exceedingly fair to petitioner and Dr. Classen, the undersigned, for the last time, offers petitioner and Dr. Classen the opportunity to appear in-person to explain Dr. Classen's billing and to answer questions regarding the same.

Accordingly, **within fourteen (14) days, by May 20, 2005**, petitioner shall file a

¹Because this order contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this order on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Therefore, as provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" order will be available to the public. Id.

response to this order, indicating whether or not Dr. Classen will take the opportunity to explain in-person his billing and answer questions related to such.

Any questions regarding this order may be directed to my law clerk, Andrea Davey, at (202) 357-6343.

IT IS SO ORDERED.

Gary J. Golkiewicz
Chief Special Master